

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MAYNE PHARMA INTERNATIONAL	)	
PTY LTD.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 17-1614-MSG-RL
	)	CONSOLIDATED
	)	
ACTAVIS ELIZABETH LLC and TEVA	)	
PHARMACEUTICALS USA, INC.,	)	
	)	
Defendants.	)	
	)	
MAYNE PHARMA INTERNATIONAL	)	
PTY LTD.,	)	
	)	
Plaintiff,	)	
	)	C.A. No. 17-1637-MSG-RL
v.	)	
	)	
LUPIN ATLANTIS HOLDINGS SA and	)	
LUPIN PHARMACEUTICALS, INC.,	)	
	)	
Defendants.	)	
	)	

**STIPULATED CONSENT JUDGMENT AND INJUNCTION**

WHEREAS Plaintiff Mayne Pharma International Pty Ltd. (“Mayne”) and Defendants Lupin Atlantis Holdings SA and Lupin Pharmaceuticals, Inc. (collectively, “Lupin”) (collectively, the “Parties”) have reached a settlement in this action and have set forth the terms of the settlement in a Confidential Agreement (the “Agreement”). Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the actions (“Consent Judgment”) as follows:

1. This District Court has jurisdiction over the subject matter of the above actions and has personal jurisdiction over the parties.



2. As used in this Consent Judgment, (a) the term “Lupin ANDA Product” shall mean the drug product sold, offered for sale, or distributed pursuant to the Amendment to Abbreviated New Drug Application No. 208741 submitted by Lupin to the U.S. Food & Drug Administration for the purpose of marketing a generic version of DORYX<sup>®</sup> MPC (and defined in greater detail in the Agreement); (b) the term “Licensed Patents” shall mean collectively United States Patent Numbers 9,295,652, 9,446,057, and 9,511,031; (c) the term “Affiliate” shall have the same meaning as in the Agreement.

3. Each asserted claim of each of the Licensed Patents would be infringed by any unlicensed manufacture, sale, offer for sale, use, or importation in the United States of the Lupin ANDA Product.

4. Each asserted claim of each of the Licensed Patents is valid and enforceable.

5. Unless otherwise specifically authorized pursuant to the Agreement, Lupin, including any of its Affiliates, successors and assigns, is enjoined from, on its own part or through any Affiliate, making, having made, using, selling, offering to sell or distributing the Lupin ANDA Product in, or importing the Lupin ANDA Product into, the United States.

6. Notwithstanding the foregoing, Lupin shall be entitled to contest the infringement, validity and/or enforceability of the Licensed Patents in any future litigation of the Licensed Patents, pertaining to any product that is not the Lupin ANDA Product (as defined in the Agreement).

7. Mayne acknowledges that Lupin is entitled to maintain its Paragraph IV certification to the Licensed Patents pursuant to 21 C.F.R. § 314.94(a)(12)(v). Each Party acknowledges and agrees that the thirty-month stay with respect to the approval of the Lupin ANDA under 21 U.S.C. § 355(j)(5)(B)(iii) is hereby terminated.



8. This Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Agreement.

9. This Stipulated Consent Judgment and Injunction does not affect the U.S. Food and Drug Administration's ability to grant final approval of the Lupin ANDA Product at any time.

10. All claims, counterclaims, affirmative defenses and demands as between Mayne and Lupin in these actions are hereby dismissed with prejudice and without costs, disbursements, or attorneys' fees to either Mayne or Lupin.

We hereby consent to the form and entry of this Consent Judgment:

MORRIS, NICHOLS, ARSHT & TUNNELL, LLP

*/s/ Megan E. Dellinger*

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January 18, 2019

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SO ORDERED this 23rd day of January, 2019.

  
\_\_\_\_\_  
United States District Judge